UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:16-cv-00085-FDW-DCK

RONALD PIERCE,)
Plaintiff,)))
VS.) ORDER
AMERICAN STRATEGIC INSURANCE CORP.,)))
Defendant.)) _)

THIS MATTER is before the Court *sua* sponte following the entry of its Order to Show Cause. (Doc. No. 7). Due to an administrative oversight, the Plaintiff's filing of his Amended Complaint was not noted prior to entry of the Order to Show Cause. This Order (Doc. No. 7) is therefore **VACATED**. Additionally, Plaintiff's Amended Complaint (Doc. No. 6) moots Defendant's pending Motion to Dismiss (Doc. No. 2). Defendant's Motion to Dismiss is, therefore, **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Signed: March 21, 2016

Frank D. Whitney

Chief United States District Judge